

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 3-4, 6-7, 11, 13, 53-66, 105, and 114-115 are canceled. Claims 15-52, 67-104, and 106-108 were withdrawn by the Examiner. Claims 1-2, 5, 8-10, 12, 14, 109-114, and 116-123 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

Applicants express appreciation to Examiner Hewitt for the telephone interview held on November 16, 2006 and subsequent telephone conference held on December 4, 2006 regarding the informality rejection set out below.

In the Office Action, claims 1-2, 8-10, 12, 14, 109-114, and 116-123 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1, 8, 111, 116, and 123 have been amended in the manner proposed during the December 4, 2006 telephone conference. It is therefore submitted that claims 1-2, 8-10, 12, 14, 109-114, and 116-123 are in full compliance with the requirements of 35 U.S.C. § 112, second paragraph.

Regarding the art rejection, claims 1-2, 8-10, 12, 14, 109-114, and 116-123 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Krishnan (U.S. Patent No. 6,073,124) in view of Shinn (U.S. Patent No. 6,655,585). Applicants submit that the claims are patentably distinguishable over the cited references.

The Examiner acknowledges that Krishnan does not teach with using biometrics to authenticate a transaction at a user terminal and therefore relies on Shinn for such a teaching. Shinn, however, merely describes carrying out signature verification of a credit card transaction using a pressure sensitive tablet (see col.8 ll.20-25) and carrying out automatic authentication of a smart card user using a reader device or

using an application stored on the smart card to match a user-provided biometric sample to a biometric sample stored on the smart card (see Fig.8, col.3 11.25-31, col.4 11.1-6 and 17-19, and col.10 11.1-13). Shinn does not disclose or suggest that if the user-provided biometric sample substantially matches the stored biometric sample, the reader device automatically transmits over a network to a provider. Also, Shinn does not disclose or suggest that if the user-provided biometric sample substantially matches the stored biometric sample, the reader device transmits a verification signal. Hence, Shinn neither discloses nor suggests automatically transmitting from the reader device over a network to a provider, if the provided biometric sample substantially matches the stored biometric sample, each of a credit card number, personal information needed to complete the transaction, and a verification signal.

Moreover, Krishnan describes a transaction in which a customer computer transmits a method of payment to a licensing and purchasing server, and then the licensing and purchasing server authorizes the payment method using a payment processing clearinghouse. Namely, the customer computer transmits the method of payment before authorization is carried out, and because authorization is not carried out at the customer computer, the customer computer does not send a verification signal to the licensing and purchasing server. (See Figs.3 and 4, and col.10 11.2-8.) Krishnan therefore does not disclose or suggest automatically transmitting from a customer computer over a network to a licensing and purchasing server, each of a credit card number, personal information needed to complete the transaction, and a verification signal.

Therefore, the cited art does not disclose or suggest:

automatically transmitting from said communication device over said network to said provider, if said generated unique identification trait substantially matches said stored unique

identification trait, each of said credit card number, said personal information needed to complete said transaction, and a verification signal indicating that said generated unique identification trait and said stored unique identification trait substantially match

as set out in claim 1. (Emphasis added.)

It follows that neither Krishnan nor Shinn, whether taken alone or in combination, discloses or suggests the method defined in claim 1, and therefore claim 1 is patentably distinct and unobvious over the cited references.

Independent claims 8, 111, 116, and 123 each include limitations similar to those of the above excerpt of claim 1. Therefore, Claims 8, 111, 116, and 123 are each patentably distinguishable over the cited references for at least the same reasons.

Claims 2, 5, 10, 12, 14 and 109 depend from claim 1, claim 9 and 110 depend from claim 8, claims 112-113 and 118-121 depend from claim 111, and claims 117 and 122 depend from claim 116. Therefore, each of these claims is distinguishable over the cited art for at least the same reasons as its parent claim.

Accordingly, the withdrawal of the rejections under 35 U.S.C. §§ 103 and 112, second paragraph, are respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner

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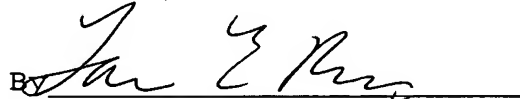
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might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: December 14, 2006

Respectfully submitted,



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